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BEFORE

THE PUBLIC SERVICE COMMISSION OF

SOUTH CAROLINA

DOCKET NO. 92-490-W - ORDER NO. 93-219

MARCH 10, 1993

IN RE: Request of Vale Water Company, Inc.     ) ORDER  
      for Approval to Transfer the Water     ) DENYING  
      System to the City of Aiken.         ) REHEARING

This matter comes before the Public Service Commission of South Carolina (the Commission) on the requests for Rehearing of two Intervenor in this Docket, John E. Soares, and Robert N. Hinds, Jr. Because of the reasoning stated below, the Petitions must be denied.

First, the Commission has examined the Petition of Intervenor Soares. Soares cites the unresponsiveness of the Company to interrogatories, and alleges that he could provide new information that would allow the Commission to change its Order, if he was granted a Rehearing. The Commission believes that Intervenor Soares states no good grounds for Rehearing. Unresponsiveness to interrogatories does not go to the merits of the case. Further, Soares does not specify what new information that he could provide in his Petition. Therefore, the Petition of Soares must be denied.

With regard to the Petition of Intervenor Hinds, Hinds objects to the Commission Order on the grounds that the Commission

originally expressed a different opinion than expressed in the Order. Further, Hinds cites inconsistencies in the testimony of Mr. Thompson, City Manager for the City of Aiken. Hinds also cites his 14th Amendment Constitutional Equal Protection rights under the law, and the fact that he alleges the date set for the original hearing did not provide a schedule satisfactory for response to testimony. Hinds also cites two other grounds which are inconsequential to consideration on Rehearing.

With regard to Hinds first allegation about the Commission members changing their original decision prior to the issuance of the order, it should be noted that the Commission based its order on all the evidence of record, and the Order of the Commission states the final opinion of the Commission. Consideration of other options prior to the issuance of the Order is not a ground for a Rehearing in this matter. Second, inconsistency in testimony at the time of the hearing is not a grounds appropriate to warrant reconsideration. The Intervenor had adequate opportunity to cross-examine the City Manager for the City of Aiken at the time of hearing. Therefore, Intervenor Hinds fails to state an appropriate ground for reconsideration. There is no question that Intervenor Hinds has a 14th Amendment Constitutional right to Equal Protection under the law. Hinds states in his petition that the Public Service Commission is the only government agency chartered to ensure utility rates and service are "in the public interest" for utility customers in the State. Hinds fails to consider, however, the fact that S. C. Code Ann., §58-5-30

exempts municipal utilities from regulation by the Commission. There is presently legislation under consideration by the South Carolina Legislature, which would modify this statute, however, for the present time, the Commission is unable to rule on rates and charges with regard to municipal utilities, but may only approve a sale of a private utility to a municipality under the provisions of Regulation 103-743. Therefore, the Intervenor Hinds allegation of a violation of his Constitutional rights is without merit in this case. Lastly, Intervenor Hinds complains about the dates for the original hearing not providing a schedule for response to testimony. The Commission would state that the dates provided for this case were well within the normal time frames normally provided for proceedings before this Commission, therefore, the Commission believes that this allegation is also without merit. Because of the above-stated reasoning,

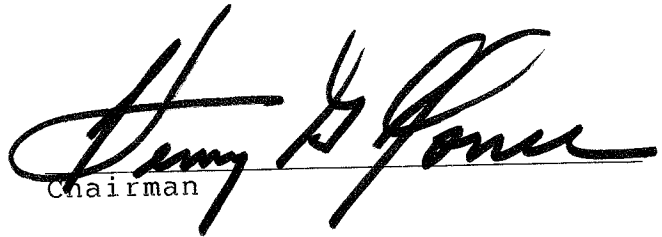
IT IS THEREFORE ORDERED THAT:

1. The Petitions for Rehearing filed by Intervenor Soares and Hinds are hereby denied.

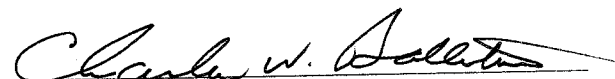
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2. That this Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
Chairman

ATTEST:

  
Executive Director

(SEAL)